

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 L-03 FRB-03 OMB-01 TAR-01

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DEPT PASS PATENT OFFICE

E.O. 11652: N/A

TAGS: UNCTAD WIPO ETRD

SUBJECT: UNCTAD MEETING ON ROLE OF PATENTS IN TRANSFER OF TECHNOLOGY

REF: STATE 199067

1. GROUP B MET IN INFORMAL SESSION ON AUGUST 29 IN FRG
MISSION UNDER US CHAIRMANSHIP (HARTMENT). ALL KEY GROUP B
DELEGATES WERE PRESENT. DELEGATIONS OF SWITZERLAND,
FRG, FRANCE, AUSTRALIA INCLUDED MEMBERS FROM CAPITALS.

2. GROUP AGREED ESTABLISH WORKING GROUP (SWITZERLAND, FRG,
US, FRANCE, AUSTRALIA) TO DRAFT A DOCUMENT OVER WEEKEND FOR
EARLY TABLING AT PATENT EXPERTS GROUP MEETING. DOCUMENT IS
TO LIST SPECIFIC ITEMS FOR DISCUSSION BY EXPERTS, BASED ON
SUBJECTS DISCUSSED IN THE JOINT UNCTAD/WIPO REPORT "ROLE OF
PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING
COUNTRIES." THE ITEMS WILL BE GROUP UNDER THE SUBHEADING

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IN PROVISIONAL AGENDA FOUND IN DOCUMENT TD/B/C.6/AC.2/1.

THE IDEA IS TO GUIDE DISCUSSION IN SOME MEANINGFUL WAY. PRODUCT OF WORKING GROUP TO BE SUBMITTED TO GROUP B FOR APPROVAL, MONDAY, SEPTEMBER 1. WORKING GROUP WILL PROBABLY BE KEPT IN BEING THEREAFTER, ALSO TO DRAFT OTHER POSSIBLE GROUP B SUBMISSIONS.

3. AT REQUEST SWISS AND FRG DELS, US NAMED TO COORDINATE GROUP B.

4. THERE WAS GENERAL CONSENSUS THAT ONLY DOCUMENTATION SPECIFICALLY BEFORE PATENT EXPERTS GROUP FOR DISCUSSION WAS JOINT UNCTAD/WIPO REPORT: "ROLE OF PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES," BUT THAT IT WAS NOT FEASIBLE TO MOUNT MAJOR GROUP B BATTLE AGAINST HAVING LATER DOCUMENTATION AVAILABLE TO GROUP FOR BACKGROUND.

5. FRG (FRAU STEUP) INFORMED GROUP OF CONVERSATION SHE HAD WITH WIPO DIRECTOR-GENERAL BOGSCH REGARDING POSSIBILITY EXCHANGING DATES OF MODEL LAW AND PARIS CONVENTION REVISION MEETINGS, MOVING LATTER UP FROM DECEMBER TO NOVEMBER, AND THUS PRECEDING UNCTAD TRANSFER OF TECHNOLOGY COMMITTEE SESSION. FRG THINKS THIS WOULD BE EXCELLANT IDEA AND WOULD PUT GROUP B DELS TO TOT MEETING IN BETTER POSITION TO COUNTER LDC DEMANDS. BOGSCH INDICATED STEP WAS POSSIBLE FROM WIPO'S VIEWPOINT BUT WOULD HAVE TO BE INITIATED BY DELS AT WIPO ADMIN COMMITTEE MEETING IN SEPTEMBER. NUMBER OF GROUP B DELS (INCLUDING US) STATED IDEA HAD MERIT BUT OTHER, NOTABLY SWITZERLAND AND UK, POINTED TO DELICATE NATURE OF SUCH ACTION WHICH COULD BE REGARDED BY GROUP OF 77 AS MANEUVER. THEY ALSO NOTED THAT IF GROUP OF 77 NOT SATISFIED WITH OUTCOME OF WIPO REVISION MEETING, AS WAS LIKELY, LDCS WOULD PRESS EVEN HARDER FOR LARGER UNCTAD ROLE AT TOT COMMITTEE MEETING.

6. PER REFTEL INSTRUCTIONS, USDEL RAISED QUESTION OF UNCTAD SERVING IN ADVISORY ROLE TO LDCS IN CONNECTION WITH WIPO EXCERCISE OF REVISION OF PARIS CONVENTION. LIMITED OFFICIAL USE

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THERE WAS CLEAT CONSENSUS AGAINST TABLING IDEA AT AN EARLY STAGE IN MEETING. FRG NOTED THAT THE CONCEPT CARRIED CONNOTATION

OF WIPO'S SERVING NEEDS ONLY OF DCS. SWITZERLAND MADE POINT THAT EXPERT GROUP SHOULD LIMIT ITSELF TO MAXIMUM EXTENT TO TECHNICAL MATTERS AND LEAVE JURI-DICTIONAL/POLITICAL ASPECTS ALONE AS MUCH AS POSSIBLE. HOWEVER, THERE APPEARED TO BE NO OBJECTION TO KEEPING

IDEA ON BACK BURNER AS POSSIBLE GROUP B COMPROMISE
PROPOSAL IN CONTEXT OF PROBABLE LDC DEMANDS TO ENLARGE
UNCTAD'S ROLE IN PATENT REVISION PROCESS.

7. FORMAL GROUP B MEETING SCHEDULED FOR 10 AM
SEPTEMBER 1.

8. COMMENT: USDEL GAINED IMPRESSION FROM THIS AFTER-
NOON'S MEETING THAT WHILE GROUP B COUNTRIES ARE
CLEARLY CONCERNED BOTH ABOUT CURRENT INTERNATIONAL
ACTIVITY ON PATENT QUESTION IN GENERAL AND OUTCOME OF
THIS UNCTAD MEETING IN PARTICULAR, THEY EXTREMELY
RELUCTANT TO ADOPT HARD-LINE APPROACH TO G-77, AT LEAST
INITIALLY. THEY CLEARLY PREFER PROTECT THEIR INTERESTS
IN FIRST INSTANCE THROUGH GENUINE ATTEMPT AT COOPERATION
AND DIALOGUE WITH LDCS. USDEL DOES NOT BELIEVE, HOWEVER,
THAT THIS RELATIVELY "SOFT" STANCE INDICATES ANY
SERIOUS EROSION IN OVERALL GROUP B POSITION THAT WIPO
IS ONLY LEGITIMATE FORUM FOR CONDUCTING ACTUAL NEGOTIATIONS
ON REVISION OF PARIS CONVENTION. ABRAMS

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